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State Slaps MacDermid Inc. With Environmental Lawsuit

By DANIEL P. JONES

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The state has filed a major environmental lawsuit against a Waterbury chemical manufacturer, MacDermid Inc., accusing the company of hundreds of water pollution and hazardous waste violations since the early 1990s.

The state alleges, among the most serious violations in the 11-count complaint, that MacDermid illegally bypassed a treatment system to discharge dangerous cyanide through a system not designed to handle it, and turned off and eventually removed an alarm to detect excessive water pollution.

"MacDermid Inc. repeatedly violated the state's water and hazardous waste regulations - polluting both the Naugatuck River and the Steele Brook," Attorney General Richard Blumenthal said Thursday.

Fines against the company could total more than \$1 million.

In a statement issued by Chief Executive Daniel H. Leever, MacDermid said the company is confused and disappointed that the state chose "to re-open our past environmental record." Allegations date to 1992, MacDermid said, "and we believe that the \$400,000 of penalties" already paid to the state settled past violations.

The company said it had no violations in the past 18 months.

The lawsuit, filed in Hartford Superior Court, represents a reversal of the state Department of Environmental Protection's initially lenient posture toward the company and comes as a federal investigation of possible environmental crimes by MacDermid continues.

The state accuses MacDermid of violating numerous environmental laws by dumping toxic substances - including copper, cadmium, chromium, cyanide and ammonia - at levels above legal limits into the waters near the company's two factories on Freight Street and Huntingdon Avenue in Waterbury.

The sweeping lawsuit against the major Waterbury employer is a reversal from an unusually lenient, informal agreement the DEP reached with MacDermid in January 1997. That agreement settled a water pollution case that included a 1994 chemical spill that killed thousands of fish in the Naugatuck River.

Environmental Protection Commissioner Arthur J. Rocque Jr., who was assistant commissioner and in charge of DEP

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enforcement when the agency reached the informal settlement, said in a written statement Thursday that there are times when negotiations are successful.

"However, consistent patterns of non-compliance require a stronger message," he said.

"MacDermid has a long enforcement history, but apparently refuses to make a commitment to meeting their permit obligations," Rocque said. "Given that the Naugatuck River is a resource in which we have invested considerable effort toward restoration, MacDermid must do a better job."

The informal settlement was widely criticized, and former U.S. Rep. Barbara B. Kennelly tried to lay the blame for the controversial agreement on Gov. John G. Rowland's environmental policies during her unsuccessful bid for the governor's office last year.

Less than a month after the DEP reached the informal settlement with MacDermid, the company received a subpoena from a federal grand jury requesting documents about the spill and other environmental matters. Federal authorities confirmed the criminal investigation was under way in March 1997, but have said nothing about the investigation since then.

Now the company faces more legal troubles from the attorney general and the DEP.

DEP spokeswoman Michele Sullivan said the spill settlement was separate from the chronic compliance problems the DEP has had with MacDermid. "Their disregard," she said, "is something that we felt needed to be addressed."

Blumenthal said he was pleased that his office and the DEP "are completely in agreement that an aggressive approach is warranted, as is true in serious cases that belong in court."

He said the allegations are "supported incontrovertibly by the evidence" the DEP has gathered. Some 250 pages of DEP documents and company records were filed along with the 38-page complaint.

No hearing date has been set.

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